LEGISLATIVE BUSINESS.

AMENDMENT TO ORDER XXVIII OF THE CIVIL PROCEDURE CODE, 1100.

Mr. K. G. Kunjukrishna Pillai: Sir, I move that the amendment to Order XXVIII of the Civil Procedure Code, 1100, as passed by the Assembly, be taken into consideration.

Mr. S. Narayana Aiyar (*Financial Secretary to Government*): I second it.

Mr. K. G. Narayana Panicker: On that amendment I have to make a suggestion. The amendments to our Civil Procedure Code must be similar to those existing elsewhere. Now here, under the Rule Committee, the amendment was made, and we are expected to copy it. I am referring to this matter.....

President: What does the honourable member want?

Mr. K. G. Narayana Panicker: Sir, the amendment is that

> This amendment shall apply to "any Indian Soldier as defined in the Indian Soldiers' (Litigation) Act, 1116 and to any member of the Indian Navy".

Indian Soldiers, Sailors and Airmen Act has been enacted to meet emergent circumstances. The Civil Procedure Code is the general enactment. First of all, the description is not clear.

President: Why?

Mr. K. G. Narayana Panicker: Because the corresponding provision in the Indian Civil Procedure Code has reference to Soldiers, Sailors and Airmen serving under the Crown.

There must be a distinction between the Sailors serving under the Crown and the members of the Indian Navy. According to the present amendment, I want to know whether it applies only to the members of the Indian Navy or to the members of the British Navy some of whom may be Travancoreans. These are questions where distinction must be drawn.

President: This is a very special procedure. Nowhere else is any rule passed by the High Court brought before the Legislature. It is not done in England; it is not done in British India Somehow this procedure has been accepted here. The High Court have considered this and presumably they know the particular circumstances, and they have proposed a particular rule. If honourable members had any objection to that rule or had any amendments, he ought to have sent up amendments.

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Mr. K. G. Narayana Panicker: Under rule 98, any member can object to its being taken into consideration if a copy of the report has not been available or if three months had not elapsed from the date of the publication. Three months have not elapsed, since it has been published on the 20th July 1944.

President: What is the objection?

Mr. K. G. Narayana Panicker: I do not want to raise any objection simply for objection's sake. But when we go into the details.....

President: Obviously the Indian Soldiers' (Litigation) Act is not on the lines of the English Soldiers' (Litigation) Act and members of the Indian Navy are different from the members serving under the Crown because there are members who are serving under the Indian Navy but are not commissioned by the Crown. All these things have been considered.

Mr. K. G. Narayana Panicker: I may raise one more point. Under the Indian Soldiers' (Litigation) Act and under the case law, practically when a soldier is out on service no action can be taken against him. It has been recently ruled so, so that when the Indian Soldiers' (Litigation) Act says that no action can be taken, this is a provision enabling the soldier to conduct a litigation. Now the question is whether the procedure to conduct a litigation should not be laid down in the Indian Soldiers' (Litigation) Act.

President: How can it possibly affect the Civil Procedure Code if an amendment is made in the Indian Soldiers' (Litigation) Act? This is an amendment to the Civil procedure Code in order to bring it into line with a certain procedure under the Indian Soldiers' (Litigation) Act. Suppose an amendment has been made to the Indian Soldiers' (Litigation) Act and the Civil Procedure Code left as it is in regard to this amendment, would that not raise an objection?

Does the honourable member object to the consideration of the Bill?

Mr. K. G. Narayana Panicker: Three months have not elapsed.

President: I rule the objection out of order.

Mr. G. Ravi Varma: May I know from the Legal Remembrancer whether a member of the Indian Air Force comes under this amendment?

Mr. K. G. Kunjukrishna Pillai: As defined in section 2, clause (b) of the Indian Soldiers' (Litigation) Act, 1118, an Indian

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[Mr. K. G. Kunjukrishna Pillai]

Soldier means any member of the Indian Army or the Indian Air Force or any member of the Travancore State Forces or of the State Forces of any other Indian State.

The motion was put and carried.

The question that the amendment be passed was put and carried.

THE TRAVANCORE WORKMEN'S COMPENSATION ACT (AMENDMENT) BILL.

Mr. K. G. Kunjukrishna Pillai: Sir, I move that the Travancore Workmen's Compensation Act (Amendment) Bill, as passed by the Assembly, be taken into consideration.

Mr. S. Narayana Aiyar: I second it.

The motion was put and carried.

The question that the Bill be passed was put and carried.

THE TRAVANCORE DISTRICT MUNICIPALITIES ACT (AMENDMENT) BILL.

Mr. K. G. Kunjukrishna Pillai: Sir, I move that the Travancore District Municipalities Act (Amendment) Bill, as passed by the Assembly, be taken into consideration.

Mr. S. Narayana Aiyar: I second it.

The motion was put and carried.

The question that the Bill be passed was put and carried.

THE TRAVANCORE PROVIDENT FUNDS ACT (AMENDMENT) BILL.

Mr. K. G. Kunjukrishna Pillai: Sir, I move that the Travancore Provident Funds Act (Amendment) Bill, as passed by the Assembly, be taken into consideration.

Mr. S. Narayana Aiyar: I second it.

The motion was put and carried.

The question that the Bill be passed was put and carried.

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